

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-218055.2 **DATE:** June 13, 1985
MATTER OF: Big State Enterprises

DIGEST:

Where copies of a decision are mailed both to counsel for the protester and to the protester, a request for reconsideration received more than a month after the original decision was issued will be considered untimely since it is reasonable to conclude that the protester knew or should have known of the basis for its request for reconsideration within one calendar week after the issuance of the decision.

Big State Enterprises requests reconsideration of our decision Big State Enterprises, B-218055, Apr. 22, 1985, 64 Comp. Gen. (1985), 85-1 C.P.D. ¶ 459, denying its protest against the award of a contract under solicitation No. F41685-84-B-0083, issued by the Department of the Air Force. We dismiss the request for reconsideration because it appears to be untimely.

Our Bid Protest Regulations, 4 C.F.R. § 21.12(b) (1985), require that requests for reconsideration be filed with our Office within 10 working days after the basis for reconsideration is known or should have been known, whichever is earlier. Big State's request was received by our Office on May 28, 1985, 25 working days from the date of our decision. Generally, we presume that a decision will reach the addressee within one calendar week after issuance. Marker-Modell Associates, B-215049.2, July 26, 1984, 84-2 C.P.D. ¶ 117. Under this presumption, the reconsideration request, to be timely, should have been received by our Office by May 13. C.W. Girard, C.M.--Reconsideration, B-210135.2, Feb. 23, 1983, 83-1 C.P.D. ¶ 186.

Counsel for the protester states that he received the decision on May 20. It appears, however, that the late mail delivery was due at least in part to the attorney's change of address that was not communicated to this Office. However, a copy of the decision was also sent to Big State at the same time that the copy was sent to its counsel. It seems to us highly unlikely that neither copy was received

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within a calendar week. Under the circumstances, we think it reasonable to conclude that Big State knew or should have known the basis for its request for reconsideration no later than April 29, 1985. See Universal American Enterprises, Inc., B-184832, June 17, 1976, 76-1 C.P.D. ¶ 391.

The request for reconsideration is dismissed.


Ronald Berger
Deputy Associate General Counsel